

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WESLEY D. FREE,)
)
 Plaintiff,)
)
 vs.) Case No. CIV-13-14-F
)
 MARY STEBENS, et al.,)
)
 Defendants.)

ORDER

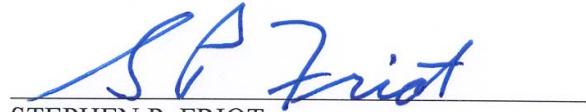
Before the Court are the Report and Recommendation of United States Magistrate Judge Charles B. Goodwin (doc. no. 28) and Plaintiff's Objection to the Report and Recommendation. See doc. no. 29. Pursuant to U.S.C. § 636(b)(1)(B), the Court reviews the Report and Recommendation de novo in light of Plaintiff's Objection.

In his Objection, Plaintiff maintains 1) that the "tortfeasors and malpractitioners" employed by ODOC that cheated or stole medication from him acted with evil intent; 2) that the Magistrate is saying that ODOC employees are above the law; 3) that this action states a claim on which relief can be granted; and 4) this action should be transferred to another judge. Plaintiff's objections are conclusory and/or are not directed to issues addressed by the Magistrate Judge. Regardless of Plaintiff's assertion that the ODOC employees acted with evil intent, Plaintiff's Complaint does not allege facts showing that the Defendants "consciously disregarded a substantial risk of serious harm" to the Plaintiff. See Report and Recommendation at p. 10, quoting Farmer v. Brennan, 511 U.S. at 838-40. Transfer to another judge is not warranted. The Magistrate Judge carefully and thoroughly analyzed

Defendants' motions to dismiss and Plaintiff's allegations. The Court fully concurs in the findings, conclusions and recommendations of the Magistrate Judge.

Therefore, the Report and Recommendation is **ADOPTED** in its entirety, Defendants' motions to dismiss (doc. nos. 19 and 22) are **GRANTED**, and Plaintiff's Complaint is **DISMISSED** without prejudice. Plaintiff is **GRANTED** leave to amend his Complaint to attempt to cure the deficiencies identified by the Magistrate Judge by additional allegations. Any such Amended Complaint shall be filed within fifteen days of this Order.

ENTERED this 28th day of February, 2014.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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